

AMENDMENT NO. 2

TO

RIVERSIDE BUSINESS PARK
PUBLIC ACCESS AGREEMENT

THIS AMENDMENT NO. 2 TO RIVERSIDE BUSINESS PARK PUBLIC ACCESS AGREEMENT (this "*Amendment*") is dated for reference purposes JUNE 16TH, 2017, and is entered into by and between the PORT OF EVERETT, a port district organized under the laws of the State of Washington (the "*Port*"), and the CITY OF EVERETT, a Washington municipal corporation (the "*City*").

RECITALS

A. The City and Port are parties to the Riverside Business Park Public Access Agreement dated December 28, 2015, as amended by Amendment No. 1 (as amended, the "*Agreement*"), concerning public access improvements at Riverside Business Park. All capitalized terms in this Amendment are as defined in the Agreement.

B. The City and Port have agreed to extend certain deadline for construction certain improvements at the Riverside Business Park, as set forth in this Amendment.

AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Time Extensions.

A. Sidewalk Connector. The deadline for completion of the Sidewalk Connector (Segment E) is extended until March 31, 2018.

B. Central Viewpoint Connector Trail. The deadline for completion of the Central Viewpoint Connector Trail (Segment F) is extended until March 31, 2019.

C. Central Viewpoint. The deadline for completion of the Central Viewpoint (Segment H) is extended until March 31, 2019.

2. **Confirmation re: Bike Use.** The parties confirm that Segments A, B, D, J, K, F, L, M, and N (as shown in the Public Access Summary Drawing) are for pedestrian and bike use. The Port will construct (or cause to be constructed pursuant to Lot Covenants) these segments in compliance with City standards for bicycle/pedestrian use. If Segments J or K or portion thereof are terminated, then Segment E (Sidewalk Connector) must be reconstructed to be in compliance with City standards for bicycle/pedestrian use.


3. Agreement Remains in Effect. Except as modified by this Amendment, the Agreement remains in full force and effect.

[SIGNATURE PAGES FOLLOW]

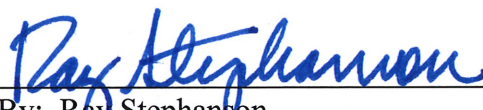
PORT OF EVERETT


By: Les Reardanz
Its: CEO/Executive Director

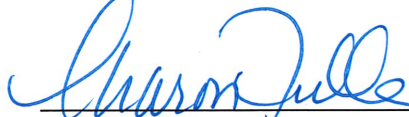
Approved as to form:

 6/19/17
By: Bradford N. Cattle
Port Attorney


CITY OF EVERETT


By: Ray Stephanson
Its: Mayor

Attest:


City Clerk

Approved as to form:


By: James D. Iles
City Attorney

Agreement
#11

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

11

PROJECT TITLE:

Amendment No. 2 to the
Public Access Agreement with
the Port of Everett

Consent
Action

First Reading

Second Reading

Third Reading

Briefing

COUNCIL BILL #

Originating Department

Contact Person

Phone Number

FOR AGENDA OF

Planning/Legal

Allan Giffen

Tim Benedict

425-257-8725

425-257-8669

May 24, 2017

Initialed by:

Department Head

CAA

Council President

dl
JT

Location

Riverside Business Park

Preceding Action

Public Access Agreement,
December 28, 2015 and
Amendment No. 1

Attachments

Amendment No. 2

Department(s) Approval

Planning, Legal,
Administration

Amount Budgeted	-0-	
Expenditure Required	-0-	
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

In 2015, Council approved an agreement with the Port of Everett regarding the Riverside Business Park, which sets up a framework for construction of public trails, viewpoints and sidewalks. The agreement, as amended, requires the Port to construct these improvements by deadlines set out in the agreement.

The Port has requested deadline extensions for two sets of improvements. First, the Port requests an extension of 6 months for construction of sidewalks along the main Riverside road. The current deadline is September 31, 2017, and the extended deadline would be March 31, 2018. The Port will commence construction of these sidewalks this year.

Second, the Port requests an extension of about 15 months for the construction of the central viewpoint and certain trails connected to that viewpoint. The reason for the extension request is that the deadline in the agreement is triggered by development on certain lots at Riverside. The Port sold the lots to a developer whose time frame for development was faster than the Port had originally planned. This extension would move the deadline from December 31, 2017, to March 31, 2019.

RECOMMENDATION:

Authorize Mayor to Sign Amendment No. 2 to the Public Access Agreement with the Port of Everett, in Substantially the Form Provided.

Council approved
5/31/17
H.P.